

Notice of Agency Rule-making Proposal

AGENCY: Department of Environmental Protection

RULE TITLE OR SUBJECT: Chapter 305 Permit by Rule Standards
Chapter 310 Wetland Protection Rules

PROPOSED RULE NUMBER:

CONCISE SUMMARY: The department is proposing amendments to Chapter 305 Permit by Rule Standards and Chapter 310 Wetland Protection Rules in response to a legislative resolve of the Second Regular Session of the 119th Legislature that directed the department and the Land Use Regulation Commission to adopt consistent rules regarding the cutting and removal of vegetation adjacent to protected natural resources.

The department has developed possible amendments to the Natural Resources Protection Act that would regulate the clearing and removal of vegetation for development purposes adjacent to protected natural resources. While these proposed law changes are not part of this rule making, they are the basis for the proposed rule amendments.

The proposed amendments to Chapter 305 Permit by Rule Standards (PBR) primarily involve Section 2 "Soil Disturbance" and include a requirement that applicants submit plans with the PBR Notification Form that demonstrate a need to clear or remove vegetation or otherwise develop the areas within 75 feet of protected natural resources.

The proposed amendments to Chapter 310 Wetland Protection Rules add "rivers, streams and brooks" as protected natural resources subject to the rule. This Chapter is applicable to some projects affecting freshwater wetlands and most projects needing a full or individual permit from the department.

Concurrently, the Land Use Regulation Commission (LURC) is seeking public comment on proposed amendments to its clearing for development standards, and related changes to its standards for mineral exploration and extraction, filling and grading, and timber harvesting, all of which are located in Section 10.17 of LURC rules. The LURC rule changes are tentatively scheduled for public hearing on Wednesday, October 17, 2001, in Greenville. Persons interested in those proposed changes should contact Fred Todd at LURC at (207) 287-4932 or e-mail address fred.todd@ state.me.us.

These rule amendments are deemed to be major substantive rules and will require legislative approval prior to final adoption.

THIS RULE WILL__ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES

STATUTORY AUTHORITY:	38 M.R.S.A. Sections 341-D(1) and 480-H
PUBLIC HEARING:	Thursday, October 18, 2001, at 1:00 p.m. Augusta Civic Center 79 Community Drive Augusta, ME 04330
DEADLINE FOR COMMENTS:	5:00 P.M. on November 2, 2001: Comments may be submitted by mail at the address below, by fax at (207) 287-7191, or by e-mail at Mike.Mullen@ state.me.us
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